



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

July 25, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

### **REPORT BY THE CHIEF EXECUTIVE OFFICE ON LEGISLATION THAT WOULD PROVIDE NOTIFICATION TO VICTIMS WHEN SEXUALLY VIOLENT PREDATORS ARE BEING CONSIDERED FOR CONDITIONAL RELEASE (RELATED TO ITEM NO. 52-B, BOARD MEETING OF JULY 9, 2013)**

On July 9, 2013, the Board adopted a motion by Supervisor Antonovich directing the Chief Executive Office to review and report back to the Board on legislation that would provide notification to victims when sexually violent predators are being considered for conditional release and to review the penalties of these types of crimes.

#### **Existing Law**

The Sexually Violent Predator Act (SVPA), Chapters 762 and 763, Statutes of 1995, was passed by the Legislature in 1995 and became effective on January 1, 1996. The SVPA authorizes the California Department of Corrections and Rehabilitation (CDCR) to evaluate whether certain inmates should be classified as a Sexually Violent Predator (SVP), which is defined as an individual who has been convicted of a sexually violent offense against one or more victims and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will continue to engage in sexually violent criminal behavior.

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

The Sexually Violent Predator Act requires that once an individual is determined to be an SVP, by a judge or jury, and upon completion of their prison sentence and release from CDCR, they be civilly committed for an indeterminate term in the custody of the California Department of State Hospitals (CDSH) for sex offender-specific treatment and confinement in a secure facility. The SVPA requires that SVPs have an examination of their mental condition at least once every year which shall include consideration of whether the committed person continues to meet the definition of an SVP and whether conditional release to a less restrictive alternative or an unconditional release is in the best interest of the person and conditions can be imposed that would adequately protect the community.

In the event CDSH determines that conditional or unconditional release is appropriate, a petition can be filed by CDSH with the committing court to evaluate during a hearing to determine whether the SVP fits the criteria for potential discharge. In addition, the SVPA allows the person who has been committed as an SVP to petition the court on their own for conditional or unconditional discharge, with the recommendation or concurrence of CDSH.

### **Victim Notification under the SVPA**

The Sexually Violent Predator Act provides for specific notifications to take place during the determination hearing for conditional or unconditional release including victim notification. However, it is important to note that the victim notification requirements within the SVPA only cite victims who have requested notice with their law enforcement or prosecuting agency. This provision can create issues for notification particularly in circumstances where offenses occurred many years ago, prior to enactment of current victim rights and notification laws.

Furthermore, the existing language within the SVPA is vague and unclear regarding the circumstances as to when and to whom notification of the conditional release and subsequent hearings is required, leading to circumstances, most notably in the case of Mr. Christopher Evans Hubbart, in which notification was provided to some jurisdictions but not others and, as a result, many victims were not properly notified.

### **Next Steps**

The deadline for introduction of legislative proposals for the first year of the 2013-14 Legislative Session was February 22, 2013; however, this office will continue to work with the District Attorney's Office to further analyze and investigate the issues surrounding victim notification requirements within the SVPA and to identify potential legislative changes that may be necessary to clarify or change the existing notification provisions for conditional release and related hearings.

Each Supervisor  
July 25, 2013  
Page 3

This office will report back to the Board on any recommendations for legislative solutions that are identified in collaboration with the District Attorney's Office and will work with Board offices to gain further direction on potential legislation the Sacramento advocates can pursue during the second year of the Legislative Session in January 2014.

We will continue to keep you advised.

WTF:RA  
MR:KA:ma

c: Executive Office, Board of Supervisors  
County Counsel  
District Attorney



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

July 18, 2013

Mark Grabau, Ph.D.  
Forensic Services Division  
Department of State Hospitals  
1600 Ninth Street, Suite 420  
Sacramento, California 95814

Dear Dr. Grabau:

**CONDITIONAL RELEASE OF CHRISTOPHER HUBBART  
COURT CASE NUMBER 140294**

Pursuant to Welfare and Institutional Code Section 6608.5(d), the County of Los Angeles has designated the District Attorney's Office (DA) to provide the required consultation and assistance to the Department of State Hospital's (DSH) provider, Liberty Healthcare, who will be responsible for locating and securing housing for sexually violent predators on conditional release. Notification is requested within 48 hours of DSH learning of any sexually violent predator's petition for conditional release, unconditional discharge, or the issuance of a 6605 annual review recommending conditional release or unconditional discharge wherein Los Angeles County is identified as a potential domicile. Such notifications are to be delivered to:

Head Deputy District Attorney  
Sex Crimes Division  
320 West Temple Street, Room 777  
Los Angeles, California 90012

With respect to the conditional release of Mr. Christopher Hubbard, Liberty Healthcare is to contact his Community Safety Committee lead representatives:

Deputy District Attorney Karen Thorp at (562) 491-6545 or (323) 217-3591  
District Attorney Investigator Jose Cisneros at (213) 974-0738 or (323) 226-5904

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

Dr. Grabau  
July 18, 2013  
Page 2

To further ensure the safety of our communities, we request DSH to notify the Community Safety Committee lead representatives within 24 hours upon any change affecting Mr. Hubbard's conditional release and monitoring, including:

- Specialized sex offender treatment services;
- 24-hour security guard supervision; and
- Active global positioning satellite monitoring.

In addition, DSH is requested to notify the Community Safety Committee lead representatives immediately should Liberty Healthcare or the treatment provider have concerns about Mr. Hubbard's compliance with the terms of his conditional release, including the potential to relapse or abscond.

Please respond with a letter of confirmation that DSH and Liberty Healthcare are in agreement with these notification requests. Should you have any questions, please contact Georgia Mattera, Public Safety Cluster, at (213) 893-2374.

Sincerely,



WILLIAM T FUJIOKA  
Chief Administrative Officer

WTF:GAM:DT:llm

c: Executive Officer, Board of Supervisors  
County Counsel  
District Attorney  
Sheriff  
Mental Health  
Probation

AB109.SVP Hubbard DA Designated Lead.I.071813

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

2013 JUL 22 PM 4:18

FILED